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COUNSEL TO THE DIRECTOR  
Administrative Office of the CourtsSuperior Court of  
New Jersey**SUMMONS**Attorney(s) Niedweske Barber Hager, LLCOffice Address 98 Washington StreetTown, State, Zip Code Morristown, NJ 07960Telephone Number (974) 401-0064Attorney(s) for Plaintiff [REDACTED]MERCER COUNTYLAW DIVISIONDocket No: MER-L-1494-13

Plaintiff(s)

Vs.

STATE OF NEW JERSEY, NEW JERSEY STATEJUDICIARY, JOHN ITALIANO AND PATRICK KOBLE

Defendant(s)

**CIVIL ACTION  
SUMMONS**

From The State of New Jersey To The Defendant(s) Named Above:

The plaintiff, named above, has filed a lawsuit against you in the Superior Court of New Jersey. The complaint attached to this summons states the basis for this lawsuit. If you dispute this complaint, you or your attorney must file a written answer or motion and proof of service with the deputy clerk of the Superior Court in the county listed above within 35 days from the date you received this summons, not counting the date you received it. (A directory of the addresses of each deputy clerk of the Superior Court is available in the Civil Division Management Office in the county listed above and online at [http://www.judiciary.state.nj.us/prose/10153\\_deptyclerklawref.pdf](http://www.judiciary.state.nj.us/prose/10153_deptyclerklawref.pdf).) If the complaint is one in foreclosure, then you must file your written answer or motion and proof of service with the Clerk of the Superior Court, Hughes Justice Complex, P.O. Box 971, Trenton, NJ 08625-0971. A filing fee payable to the Treasurer, State of New Jersey and a completed Case Information Statement (available from the deputy clerk of the Superior Court) must accompany your answer or motion when it is filed. You must also send a copy of your answer or motion to plaintiff's attorney whose name and address appear above, or to plaintiff, if no attorney is named above. A telephone call will not protect your rights; you must file and serve a written answer or motion (with fee of \$135.00 and completed Case Information Statement) if you want the court to hear your defense.

If you do not file and serve a written answer or motion within 35 days, the court may enter a judgment against you for the relief plaintiff demands, plus interest and costs of suit. If judgment is entered against you, the Sheriff may seize your money, wages or property to pay all or part of the judgment.

If you cannot afford an attorney, you may call the Legal Services office in the county where you live or the Legal Services of New Jersey Statewide Hotline at 1-888-LSNJ-LAW (1-888-576-5529). If you do not have an attorney and are not eligible for free legal assistance, you may obtain a referral to an attorney by calling one of the Lawyer Referral Services. A directory with contact information for local Legal Services Offices and Lawyer Referral Services is available in the Civil Division Management Office in the county listed above and online at [http://www.judiciary.state.nj.us/prose/10153\\_deptyclerklawref.pdf](http://www.judiciary.state.nj.us/prose/10153_deptyclerklawref.pdf).

*101 Elizabeth Ann Stron, Esq.*  
Clerk of the Superior Court

DATED: 07/22/2013Name of Defendant to Be Served: New Jersey State JudiciaryAddress of Defendant to Be Served: 25 West Market Street, Hughes Justice Complex, Trenton, NJ 08625

## NIEDWESKE BARBER HAGER, LLC

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Attorneys for Plaintiff [REDACTED]

CLERK OF SUPERIOR COURT  
SUPERIOR COURT OF N.J.  
MERCER COUNTY  
RECEIVED AND FILED

JUL 12 2013

*Sue Regan*SUE REGAN  
DEPUTY CLERK OF SUPERIOR COURT[REDACTED]  
Plaintiff,

v,

STATE OF NEW JERSEY, NEW JERSEY  
STATE JUDICIARY, JOHN ITALIANO,  
Individually and in his Official Capacity, and  
PATRICK KOBLE, Individually and in his  
Official Capacity,

Defendants.

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION - MERCER COUNTY  
DOCKET NO.:*L1494-13*  
Civil Action

## COMPLAINT AND JURY DEMAND

Plaintiff [REDACTED] ("Plaintiff [REDACTED]"), by way of complaint against Defendants

State of New Jersey, New Jersey State Judiciary, John Italiano ("Italiano") and Patrick Koble  
("Koble")(hereinafter collectively referred to as "Defendants"), say:THE PARTIES

1. At all times relevant, Plaintiff [REDACTED] was employed by Defendant State of New Jersey.
2. During all times relevant to this Complaint, Defendant State of New Jersey was the employer of Plaintiff [REDACTED] as that term is defined by the NJLAD.
3. Upon information and belief, Defendant Italiano resides at 195 Knotty Oak Drive, Town of Mount Laurel, State of New Jersey. During all times relevant to this Complaint,



Defendant Italiano was and is the Administrator, Support Services, Administrative Offices of the Court.

4. At all times relevant, Defendant Italiano was Plaintiff [REDACTED]'s supervisor.

5. Upon information and belief, Defendant Koble resides at 49 Leisure Lane, Town of Levittown, State of Pennsylvania. During all times relevant to this Complaint, Defendant Koble was and is an Administrative Supervisor I, Office Service.

6. At all times relevant, Defendant Koble was Plaintiff [REDACTED]'s supervisor.

#### STATEMENT OF FACTS

7. At all times relevant, Plaintiff [REDACTED] was a Supervisor I with the Office of Management and Administrative Services, Office Services Unit.

8. Throughout his twenty-five (25) year career with the Judiciary, he performed in a satisfactory manner and had no disciplinary issues or complaints against him.

9. Plaintiff [REDACTED] is gay.

10. On or about October 24, 1997, Plaintiff [REDACTED] was diagnosed with Human Immunodeficiency Virus ("HIV").

11. In or around that time, Plaintiff [REDACTED] was at work when he received a call from the Red Cross Blood Center.

12. Because Plaintiff [REDACTED]'s desk was right outside Defendant Koble's office, Defendant Koble overheard the call and repeatedly questioned and pressured Plaintiff [REDACTED] to tell him the diagnosis, which he reluctantly did.

13. Thereafter, Defendant Koble subjected Plaintiff [REDACTED] to a hostile work environment based on his sexual orientation, *viz*:

- a. Defendant Koble referred to Plaintiff [REDACTED] in such a derogatory and demeaning terms as "Clarabelle", "Flamer", and "Flames".

- b. Defendant Koble made statements to the effect that, "when you walk, flames come out from between your thighs".
  - c. On numerous occasions, Defendant Koble told Plaintiff [REDACTED] "to get under my desk and suck my dick".
  - d. On repeated occasions, Defendant Koble would yell across the open floor that Plaintiff [REDACTED]'s "boyfriend was on the phone".
  - e. Plaintiff [REDACTED] found a piece of paper taped to his desk with a printout stating "Fag Sanctuary" and on the pole behind his chair was a picture of closet doors and above those closet doors was a printout stating "COME OUT, COME OUT".
  - f. Defendant Koble would compare Plaintiff [REDACTED]'s condition to "Animal Aids" and comment that he was surprised Plaintiff [REDACTED] was not dead yet.
  - g. On numerous occasions, Defendant Koble would inappropriately ask if Plaintiff [REDACTED] acquired HIV "because you are gay".
  - h. Defendant Koble made a comment "oh are you going there [Brigantine, New Jersey beach] because they have a gay sanctuary".
  - i. Defendant Koble told Paula Savage, secretary to Assistant Director of OMAS "don't try to date [REDACTED], you know he is gay".
  - j. Defendant Koble consistently told Plaintiff [REDACTED] that he could not stand his voice and he wanted to punch him in the face.
14. When Plaintiff [REDACTED] directly objected to Defendant Koble's conduct, Defendant Koble threatened to write him up if he went to management.
15. Defendant Koble also told Plaintiff [REDACTED] words to the effect that "management was watching him so he should keep to himself".

16. In an effort to silence Plaintiff [REDACTED] and dissuade him from pursuing a complaint, Defendant Koble threatened him with termination for theft of services based on occasions when Plaintiff [REDACTED] arrived to work late over twelve (12) years ago and which was admonished and closed.

17. On September 27, 2011, Plaintiff [REDACTED] formally notified various upper managers of the hostile work environment:

On the morning of July 13, 2011, there was a piece of paper taped to my desk below my keyboard that was a printout stating "FAG SANCTUARY" and on the pole behind my chair was a picture of closet doors, above the closet doors it was also a printout stating "COME OUT, COME OUT", the only employees in before me is Pat Koble, Keith Lovett, Parrish Adams, one, two or all three of them are guilty for doing this. I notified my supervisor of this, Ernie Corner, Bobbie Battle and Natonya Phillips. Myself, Leeza Laurenti and Bob Bastian are all offended by these statements and pictures. I have their permission to speak on their behalf.

18. Thereafter, Plaintiff [REDACTED] had a meeting with upper management and once again complained that nothing was being done about the harassment and that Defendant Koble was continuing with the hostile environment.

19. For example, in Plaintiff [REDACTED]'s presence, Defendant Koble loudly stated to Keith Lovett as to how good he was sucking on a cherry stick and then proceeded to laugh.

20. When Plaintiff [REDACTED] informed upper management of that specific comment, Shelley Webster, Director of Office and Management Administrative Services, said words to the effect, "I used to work in a kitchen and let's keep the kitchen talk to a minimum".

21. In that same meeting, in defense of his inappropriate conduct, Defendant Koble told the group of upper managers that he and Plaintiff [REDACTED] were "like a husband and wife bickering".

22. Plaintiff [REDACTED] immediately objected to that inappropriate comment.



23. Plaintiff [REDACTED] also notified Defendant Italiano, Ernie Comer ("Comer"), Chief of Court Access Services, and Bobbie Battle ("Battle"), Chief Judiciary EEO/AA Officer, and Natonya Phillips ("Phillips"), Investigator EEO/AA, of this the hostile environment.

24. In a meeting with Battle and Phillips, Battle advised Plaintiff [REDACTED] that Defendant Koble was his boss and that "it is his [Defendant Koble's] way or the highway".

25. During that meeting in Battle's office, Plaintiff [REDACTED] broke down because of management's indifference to him.

26. Plaintiff [REDACTED] was told by Battle and Phillips that the complaint would be addressed during another "on-going investigation", but it was not.

27. Plaintiff [REDACTED] was also told by Battle not to file an incident report as it would hurt him in an "on-going investigation".

28. Ultimately, Defendants did not conduct an investigation of Plaintiff [REDACTED]'s complaints and allowed the hostile environment to continue.

29. Thereafter, Plaintiff [REDACTED] was subject to a pattern of retaliatory discipline.

30. On March 14, 2012, Plaintiff [REDACTED] called and spoke with Defendant Italiano advising him that he was being harassed again and wanted to be removed from the unit.

31. Defendant Italiano did nothing about it but instead served Plaintiff [REDACTED] with a 3-day suspension on March 20, 2012.

32. For example, on or about August 17, 2012, Plaintiff [REDACTED] was instructed by Ernie Comer that he wanted to see all suspicious mail before contacting the State Police.

33. Plaintiff [REDACTED] did as he was told but was subsequently disciplined for it.

34. On September 17<sup>th</sup>, Plaintiff [REDACTED] was issued a Notice of Written Reprimand "for neglect of duty for not following established policies and procedures for handling suspicious mail as established by the New Jersey State Police".

35. In or around September, 2012 Plaintiff [REDACTED] informed his management that he required hip replacement surgery and was going to be out of work for twelve (12) weeks.

36. Shortly thereafter, Defendant Koble repeatedly told Plaintiff [REDACTED] about his father-in-law's hip replacement surgery and his quick recovery and derogatorily questioned Plaintiff [REDACTED] about his recovery and "excessive time off to heal".

37. On various occasions, Plaintiff [REDACTED] heard Defendant Koble speaking negatively about his hip surgery. For example, Defendant Koble questioned why Plaintiff [REDACTED] even needed the surgery because "he was walking fine".

38. On November 6, 2012, Plaintiff [REDACTED] underwent total hip replacement and was out on medical leave until January 14, 2013.

39. Upon his return, Plaintiff [REDACTED] discovered that someone had removed three (3) of his lamps from his office.

40. When Plaintiff [REDACTED] asked Defendant Koble about his lamps, Koble first told him that they were broke.

41. When Plaintiff [REDACTED] learned that the lamps were not broken, he again questioned Defendant Koble who said he did not take them.

42. Thereafter, Plaintiff [REDACTED] learned that the lamps were across the hall in another employee's office.

43. Plaintiff [REDACTED] again questioned Defendant Koble who finally admitted that he took the lamps.

44. Plaintiff [REDACTED] also learned that while he was out on sick leave, Defendant Koble threw his personal items such as his rugs, pictures and inspirational quotations that were on his wall.

45. Around this time, Defendant Koble threatened Plaintiff [REDACTED] that he should find other employment and that he will get Plaintiff [REDACTED] back "maybe not now, but he will someday".

46. Also, when Plaintiff [REDACTED] returned from sick leave, Defendant Koble instructed Plaintiff [REDACTED]'s direct reports not to assist him anymore in the stockroom.

47. Defendant Koble's actions and directives to Plaintiff [REDACTED]'s direct reports had the intended effect of undermining his leadership and morale in his unit and increasing the intolerability of the work environment.

48. Thus, Defendant Koble not only created a hostile and intolerable environment but sought and encouraged Plaintiff [REDACTED]'s own subordinates to make his work environment hostile and intolerable.

49. For example, following his surgery when Plaintiff [REDACTED] was required to lift heavy supplies and requested assistance of his direct reports, they would state "Am I allowed? Pat [Defendant Koble] said I am not allowed to help you".

50. Upon information and belief, on or about March 19, 2013, Leeza Laurenti ("Laurenti"), Judiciary Clerk 2, Offices Serves Unit, who at all times relevant had a friendly and professional relationship with Plaintiff [REDACTED] had a conversation with Defendant Koble about Plaintiff [REDACTED]'s belief that a hostile work environment existed against gay employees in the workplace.

51. Upon information and belief, during this conversation, Laurenti told Defendant Koble that Plaintiff [REDACTED] had informed her that other employees in the workplace were homophobic and against gay people.

52. Upon information and belief, following this discussion, Defendant Koble scheduled a meeting with Laurenti and Defendant Italiano.



53. At that meeting, both Defendants improperly influenced and encouraged Laurenti to file a complaint against Plaintiff [REDACTED] for sexual orientation discrimination.

54. Upon information and belief, Laurenti spoke to Battle and Wendy Schermer ("Schermer"), EEO Investigator, twice and advised them that she did not want to file the complaint against Plaintiff [REDACTED] under "sexual orientation".

55. Upon information and belief, during both conversations with Battle and Schermer, Laurenti was advised that she had to pick a charge or they could not take her complaint.

56. Thereafter, on March 20, 2013, Laurenti filed a complaint against Plaintiff [REDACTED] alleging inappropriate treatment based on her affectional and sexual orientation.

57. In or around this time, both individual Defendants took a survey of all of the employees in the office regarding workplace problems and issues, but excluded Plaintiff [REDACTED] from the survey.

58. Upon information and belief, Defendants Koble and Italiano sought to improperly influence and encourage other employees to negatively portray and evaluate Plaintiff [REDACTED].

59. Also, on March 20, 2013, at the behest of Defendants Koble and Italiano, Plaintiff [REDACTED] received a Preliminary Notice of Minor Discipline - 3-Day Suspension for alleged events, some of which occurred six (6) weeks earlier. This was yet another retaliatory and bogus discipline.

60. Given the increasing hostility and management's failure to address his previous complaints, on or about March 20, 2013, Plaintiff [REDACTED] began working with Fenix Manning, EEO/AA Investigator, on filing his complaint.

61. On March 25, 2013 Plaintiff [REDACTED] filed a complaint with the Judiciary EEO/AA office against Defendant Koble alleging discrimination and retaliation.

62. In the March 25, 2013 EEO/AA complaint, Plaintiff [REDACTED] requested "to be removed from the Unit and placed in another office outside of OMAS. I feel at this point that the manager/co-manager relationship within this unit is beyond repair. Pat's actions and instructions to the staff has [sic] demeaned my character, to rebuild this would be impossible".

63. Along with that EEO/AA complaint, Plaintiff [REDACTED] provided a witness list outlining the pertinent knowledge of each individual regarding the harassing and discriminatory environment.

64. Thereafter, Plaintiff [REDACTED] was subjected to additional retaliation and discrimination from Defendants Koble and Italiano.

65. On or about April 17, 2013 when Defendant Koble was questioning Plaintiff [REDACTED] about his complaint, Defendant Koble called Plaintiff [REDACTED] a liar and threatened to fire him.

66. Despite this apparent bias and conflict, the State Defendant failed to intervene or remediate the hostility.

67. On May 20, 2013, Defendant Italiano issued Plaintiff [REDACTED] an Immediate Suspension Without Pay Decision because he allegedly sought to have Laurenti withdraw her EEO/AA complaint.

68. The suspension letter stated:

After reviewing your charges and your response, I have determined that you should be immediately suspended without pay because an immediate suspension is necessary to maintain the effective direction of public service.

69. Notably, Plaintiff [REDACTED]'s immediate suspension without pay violated the New Jersey Administrative Code and prior practice.

70. Upon information and belief, Defendant Italiano knew that Plaintiff [REDACTED]'s income was his sole source of support and that because of his HIV<sup>+</sup> status, Plaintiff [REDACTED] was required to take daily and costly medication.

71. Nonetheless, he engaged in this willful and wanton conduct to silence Plaintiff [REDACTED] and further dissuade him from complaining.

72. On May 29<sup>th</sup>, Plaintiff [REDACTED] was served with a Preliminary Notice of Disciplinary Action charging him with Insubordination, Conduct Unbecoming of a Public Employee, and Other Sufficient Cause for allegedly initiating conversations with Laurenti on May 21<sup>st</sup> and May 22<sup>nd</sup> to pressure her to drop the EEO complaint against him.

73. On June 19, 2013, Plaintiff [REDACTED] was served with a Final Notice of Major Discipline – Removal for the May 21<sup>st</sup> and May 22<sup>nd</sup> allegations.

74. The notice outlined Plaintiff [REDACTED]'s immediate suspension and management's intent to seek his removal of employment.

75. Based on the continuing hostility and retaliation coupled with Defendants' failure to address and remediate it, Plaintiff [REDACTED] was subjected to an intolerable environment that negatively impacted his physical and mental health.

76. As a result of this intolerable environment, Plaintiff [REDACTED] was forced to quit his job.

**FIRST COUNT**  
**(NJLAD – Hostile Work Environment – Sexual Orientation)**

77. Plaintiff [REDACTED] repeats and realleges the previous allegations as though set forth at length herein.

78. The conduct and comments previously set forth occurred because of Plaintiff [REDACTED]'s sexual orientation.



79. The conduct and comments were severe and pervasive enough to make a reasonable person believe the working conditions were altered and that the working environment was intimidating and harassing.

80. Despite Plaintiff [REDACTED]'s complaints and repeated attempts to stop the hostility, Defendants continued to act and otherwise failed to remediate the hostility.

81. As a result of Defendants' failures and inactions, they are liable for all damages resulting from the hostile work environment.

82. As a direct and proximate result of Defendants' actions and inactions, Plaintiff [REDACTED] has and continues to suffer loss of income, loss of benefits, and other financial losses.

83. As a direct and proximate result of Defendants' actions and inactions, Plaintiff [REDACTED] has and continues to suffer pain, suffering, and emotional distress.

WHEREFORE, Plaintiff [REDACTED] demands judgment against Defendants for back pay, front pay, compensatory damages, personal physical injury, exacerbation of his physical injuries and condition, punitive damages, interest, negative tax consequences as a result of any jury verdict, counsel fees, costs of suit, and such other relief as the Court may deem appropriate.

#### SECOND COUNT

##### (NJLAD – Hostile Work Environment-Disability)

84. Plaintiff [REDACTED] repeats and realleges the previous allegations as though set forth at length herein.

85. Plaintiff [REDACTED]'s HIV<sup>+</sup> diagnosis is a disability under the NJLAD.

86. The conduct and comments previously set forth occurred because of Plaintiff [REDACTED]'s disability.

87. The conduct and comments were severe and pervasive enough to make a reasonable person believe the working conditions were altered and that the working environment was intimidating and harassing.

88. Despite Plaintiff [REDACTED]'s complaints and repeated attempts to stop the hostility, Defendants continued to act and otherwise failed to remediate the hostility.

89. As a result of Defendants' failures and inactions, they are liable for all damages resulting from the hostile work environment.

90. As a direct and proximate result of Defendants' actions and inactions, Plaintiff [REDACTED] has and continues to suffer loss of income, loss of benefits, and other financial losses.

91. As a direct and proximate result of Defendants' actions and inactions, Plaintiff [REDACTED] has and continues to suffer pain, suffering, and emotional distress.

**WHEREFORE**, Plaintiff [REDACTED] demands judgment against Defendants for back pay, front pay, compensatory damages, exacerbation of his physical conditions, punitive damages, interest, negative tax consequences as a result of any jury verdict, counsel fees, costs of suit, and such other relief as the Court may deem appropriate.

**THIRD COUNT**  
**(NJLAD - Retaliation)**

92. Plaintiff [REDACTED] repeats and realleges the previous allegations as though set forth at length herein.

93. Following Plaintiff [REDACTED]'s reasonable and good faith complaints of the hostile work environment, Defendants retaliated against him.

94. Defendants provided bogus and illegal charges and discipline in an attempt to dissuade and otherwise silence Plaintiff [REDACTED] from pursuing his complaints and objections.

95. Defendants' retaliation was meant to coerce, intimidate, threaten and/or interfere with the exercise or enjoyment of his rights protected by the NJLAD in violation of N.J.S.A. 10:5-12d.

96. As a direct and proximate result of Defendants' actions, Plaintiff [REDACTED] has and continues to suffer loss of income, loss of benefits, and other financial losses.

97. As a result of Defendants' actions, Plaintiff [REDACTED] has suffered and continues to suffer personal injury and exacerbation of pre-existing conditions.

WHEREFORE, Plaintiff [REDACTED] demands judgment against Defendants for back pay, front pay, compensatory damages, exacerbation of his physical conditions, punitive damages, interest, negative tax consequences as a result of any jury verdict, counsel fees, costs of suit, and such other relief as the Court may deem appropriate.

**FOURTH COUNT**  
**(NJLAD - Disability Discrimination)**

98. Plaintiff [REDACTED] repeats and realleges the previous allegations as though set forth at length herein.

99. Plaintiff [REDACTED] suffered from a disability as recognized by the NJLAD.

100. Defendants knew that Plaintiff [REDACTED] suffered from a disabling condition.

101. The adverse action taken by Defendants against Plaintiff [REDACTED] as a result of his disability is in violation of the New Jersey Law Against Discrimination, N.J.S.A. 10:5-1, et seq.

102. As a result of Plaintiff [REDACTED]'s wrongful termination, he has suffered economic loss, loss of enjoyment of life, pain and suffering, exacerbation of personal injury and personal injury.



WHEREFORE, Plaintiff [REDACTED] demands judgment against Defendants for back pay, front pay, compensatory damages, personal physical injury, exacerbation of his physical injuries and conditions, punitive damages, interest, negative tax consequences as a result of any jury verdict, counsel fees, costs of suit, and such other relief as the Court may deem appropriate.

**FIFTH COUNT**  
**(NJLAD - Perceived Disability Discrimination)**

103. Plaintiff [REDACTED] repeats and realleges the previous allegations as though set forth at length herein.

104. Defendants disparately treated and harassed Plaintiff [REDACTED]'s employment because of his perceived disabilities in violation of the New Jersey Law Against Discrimination.

105. As a result of Defendants' unlawful conduct, Plaintiff [REDACTED] has experienced economic losses, pain and suffering, physical injuries and exacerbation of physical injuries.

WHEREFORE, Plaintiff [REDACTED] demands judgment against Defendants for back pay, front pay, compensatory damages, exacerbation of his physical conditions, punitive damages, interest, negative tax consequences as a result of any jury verdict, counsel fees, costs of suit, and such other relief as the Court may deem appropriate.

**SIXTH COUNT**  
**(NJLAD - Failure to Accommodate)**

106. Plaintiff [REDACTED] repeats and realleges the previous allegations as though set forth at length herein.

107. Defendants knew Plaintiff [REDACTED] suffered from a disability in connection with his hip replacement surgery in 2012.

108. Following Plaintiff [REDACTED]'s surgery, he requested assistance with some of the essential functions of his job.

109. Defendants' failed to engage in a good faith interactive process and failed to reasonable accommodate Plaintiff [REDACTED]

110. As a result of Defendants' unlawful conduct, Plaintiff [REDACTED] has experienced economic losses, pain and suffering, physical injuries and exacerbation of physical injuries.

WHEREFORE, Plaintiff [REDACTED] demands judgment against Defendants for back pay, front pay, compensatory damages, exacerbation of his physical conditions, punitive damages, interest, negative tax consequences as a result of any jury verdict, counsel fees, costs of suit, and such other relief as the Court may deem appropriate.

**SEVENTH COUNT**  
**(NJLAD-Constructive Discharge)**

111. Plaintiff [REDACTED] repeats and realleges the previous allegations as though set forth at length herein.

112. Defendants created and maintained an intolerable working environment.

113. This intolerable environment was adversely affecting Plaintiff [REDACTED]'s mental and physical help.

114. Despite his complaints and other efforts, Plaintiff [REDACTED] could not escape the intolerable environment.

115. As a result of the intolerable environment, Plaintiff [REDACTED] was forced to resign.

116. As a result of Defendants' unlawful conduct, Plaintiff [REDACTED] has experienced economic losses, pain and suffering, physical injuries and exacerbation of physical injuries.

WHEREFORE, Plaintiff [REDACTED] demands judgment against Defendants for back pay, front pay, compensatory damages, exacerbation of his physical conditions, punitive damages, interest, negative tax consequences as a result of any jury verdict, counsel fees, costs of suit, and such other relief as the Court may deem appropriate.

**EIGHTH COUNTY**  
**(NJLAD - Individual Liability)**

117. Plaintiff [REDACTED] repeats and realleges the previous allegations as though set forth at length herein.

118. Defendants Koble and Italiano are supervisors under the NJLAD.

119. In their capacity as supervisors, Defendants Koble and Italiano aided and abetted the discriminatory and retaliatory actions.

120. Defendants Koble and Italiano engaged in active and purposeful discrimination and retaliation in violation of N.J.S.A. 10:5-1, et seq.

121. As a result of Defendants' unlawful conduct, Plaintiff [REDACTED] has experienced economic losses, pain and suffering, physical injuries and exacerbation of physical injuries.

**WHEREFORE**, Plaintiff [REDACTED] demands judgment against Defendants for back pay, front pay, compensatory damages, exacerbation of his physical conditions, punitive damages, interest, negative tax consequences as a result of any jury verdict, counsel fees, costs of suit, and such other relief as the Court may deem appropriate.

NIEDWESKE BARBER HAGER, LLC  
Attorneys for Plaintiff Myles Bartuska

By: 

Kevin Barber

Dated:

12 Jul 13



JURY DEMAND

Plaintiff [REDACTED] hereby demands trial by jury on all issues.

NIEDWESKE BARBER HAGER, LLC  
Attorneys for Plaintiff Myles Bartuska

By: 

Kevin Barber

Dated: 12 Jul 13

DESIGNATION OF TRIAL ATTORNEY

Kevin Barber, Esq. is hereby designated as trial counsel in the within matter.

NIEDWESKE BARBER HAGER, LLC  
Attorneys for Plaintiff Myles Bartuska

By: 

Kevin Barber

Dated: 12 Jul 13

CERTIFICATION PURSUANT TO RULE 4:5-1

I, Kevin Barber, certify as follows:

I am a partner in the Law Firm of Niedweske Barber Hager, LLC, attorneys for Plaintiff [REDACTED] in this matter. To the best of my knowledge, the matter in controversy is not the subject of any other action pending or contemplated in any court or arbitration proceeding, and no parties are known who should be joined in this action.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

NIEDWESKE BARBER HAGER, LLC  
Attorneys for Plaintiff [REDACTED]

By: \_\_\_\_\_

Kevin Barber

Dated: \_\_\_\_\_

## Appendix XII-B1

CLERK OF SUPERIOR COURT  
SUPERIOR COURT OF N.J.

FOR USE BY CLERK'S OFFICE ONLY

P. 12-13-13 FILED

CHG/CK NO.

AMOUNT:

JUL 12 2013

OVERPAYMENT:

BATCH NUMBER:

SUE REGAN

CIVIL CASE INFORMATION STATEMENT  
(CIS)

Use for initial Law Division  
Civil Part pleadings (not motions) under Rule 4:5-1  
Pleading will be rejected for filing, under Rule 1:5-6(c),  
if information above the black bar is not completed  
or attorney's signature is not affixed

ATTORNEY / PRO SE NAME Kevin Barber, Esq.	TELEPHONE NUMBER (972) 401-0064	COUNTY OF VENUE Mercer
FIRM NAME (if applicable) Niedweske Barber Hager, LLC	DOCKET NUMBER (when available) R1494-13	
OFFICE ADDRESS 98 Washington Street Morristown, NJ 07960	DOCUMENT TYPE Complaint	
NAME OF PARTY (e.g., John Doe, Plaintiff) [REDACTED] Plaintiff		CAPTION [REDACTED], State of New Jersey, New Jersey State Judiciary, John Italiano and Patrick Koble
CASE TYPE NUMBER (See reverse side for listing) 618	IS THIS A PROFESSIONAL MALPRACTICE CASE? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF YOU HAVE CHECKED "YES," SEE N.J.S.A. 2A:53 A-27 AND APPLICABLE CASE LAW REGARDING YOUR OBLIGATION TO FILE AN AFFIDAVIT OF MERIT.	
RELATED CASES PENDING? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	IF YES, LIST DOCKET NUMBERS	
DO YOU ANTICIPATE ADDING ANY PARTIES (arising out of same transaction or occurrence)? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	NAME OF DEFENDANT'S PRIMARY INSURANCE COMPANY (if known) <input type="checkbox"/> NONE <input checked="" type="checkbox"/> UNKNOWN	
<b>THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE.</b>		
CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION		
DO PARTIES HAVE A CURRENT, PAST OR RECURRENT RELATIONSHIP? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	IF YES, IS THAT RELATIONSHIP: <input checked="" type="checkbox"/> EMPLOYER/EMPLOYEE <input type="checkbox"/> FRIEND/NEIGHBOR <input type="checkbox"/> OTHER (explain) <input type="checkbox"/> FAMILIAL <input type="checkbox"/> BUSINESS	
DOES THE STATUTE GOVERNING THIS CASE PROVIDE FOR PAYMENT OF FEES BY THE LOSING PARTY? <input type="checkbox"/> YES <input type="checkbox"/> NO		
USE THIS SPACE TO ALERT THE COURT TO ANY SPECIAL CASE CHARACTERISTICS THAT MAY WARRANT INDIVIDUAL MANAGEMENT OR ACCELERATED DISPOSITION		
DO YOU OR YOUR CLIENT NEED ANY DISABILITY ACCOMMODATIONS? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	IF YES, PLEASE IDENTIFY THE REQUESTED ACCOMMODATION	
WILL AN INTERPRETER BE NEEDED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	IF YES, FOR WHAT LANGUAGE?	
I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with Rule 1:38-7(b).		
ATTORNEY SIGNATURE: [Signature]		



Side 2



# CIVIL CASE INFORMATION STATEMENT (CIS)

Use for initial pleadings (not motions) under Rule 4:5-1

CASE TYPES (Choose one and enter number of case type in appropriate space on the reverse side.)

## Track I - 150 days' discovery

- 151 NAME CHANGE
- 175 FORFEITURE
- 302 TENANCY
- 399 REAL PROPERTY (other than Tenancy, Condemnation, Complex Commercial or Construction)
- 502 BOOK ACCOUNT (debt collection matters only)
- 505 OTHER INSURANCE CLAIM (including declaratory judgment actions)
- 506 PIP COVERAGE
- 510 UM or UIM CLAIM (coverage issues only)
- 511 ACTION ON NEGOTIABLE INSTRUMENT
- 512 LEMON LAW
- 801 SUMMARY ACTION
- 802 OPEN PUBLIC RECORDS ACT (summary action)
- 999 OTHER (briefly describe nature of action)

## Track II - 300 days' discovery

- 305 CONSTRUCTION
- 509 EMPLOYMENT (other than CEPA or LAD)
- 599 CONTRACT/COMMERCIAL TRANSACTION
- 603N AUTO NEGLIGENCE - PERSONAL INJURY (non-verbal threshold)
- 603Y AUTO NEGLIGENCE - PERSONAL INJURY (verbal threshold)
- 606 PERSONAL INJURY
- 610 AUTO NEGLIGENCE - PROPERTY DAMAGE
- 621 UM or UIM CLAIM (includes bodily injury)
- 699 TORT - OTHER

## Track III - 450 days' discovery

- 606 CIVIL RIGHTS
- 301 CONDEMNATION
- 902 ASSAULT AND BATTERY
- 804 MEDICAL MALPRACTICE
- 606 PRODUCT LIABILITY
- 607 PROFESSIONAL MALPRACTICE
- 608 TOXIC TORT
- 609 DEFAMATION
- 616 WHISTLEBLOWER / CONSCIENTIOUS EMPLOYEE PROTECTION ACT (CEPA) CASES
- 617 INVERSE CONDEMNATION
- 618 LAW AGAINST DISCRIMINATION (LAD) CASES

## Track IV - Active Case Management by Individual Judge / 450 days' discovery

- 156 ENVIRONMENTAL/ENVIRONMENTAL COVERAGE LITIGATION
- 303 MT. LAUREL
- 506 COMPLEX COMMERCIAL
- 513 COMPLEX CONSTRUCTION
- 514 INSURANCE FRAUD
- 620 FALSE CLAIMS ACT
- 701 ACTIONS IN LIEU OF PREROGATIVE WRITS

## Centrally Managed Litigation (Track IV)

- 265 STRYKER TRIDENT HIP IMPLANTS
- 268 PRUDENTIAL TORT LITIGATION
- 269 REGLAN
- 290 POMPTON LAKES ENVIRONMENTAL LITIGATION
- 291 PELVIC MESH/GYNECARE
- 292 PELVIC MESH/HARD
- 293 DEPUY ASR HP IMPLANT LITIGATION
- 295 ALLODERM REGENERATIVE TISSUE MATRIX
- 623 PROPECIA

## Mass Tort (Track IV)

- 268 HORMONE REPLACEMENT THERAPY (HRT)
- 271 ACCUTANE/ISOTRETINOIN
- 274 RISPERDAL/RISEDOLELZYPREXA
- 278 ZOMETASAR/ARERA
- 279 GADOLINIUM
- 281 BRISTOL-MYERS SQUIBB ENVIRONMENTAL
- 282 PQSAMAX
- 284 NUVARING
- 288 LEVAQUIN
- 287 YAZ/YASMIN/DELLA
- 601 ASBESTOS

If you believe this case requires a track other than that provided above, please indicate the reason on Side 1, in the space under "Case Characteristics."

Please check off each applicable category ☐ Putative Class Action ☐ Title 69

MERCER COUNTY COURTHOUSE  
CIVIL CASE MANAGEMENT OFFICE  
175 SOUTH BROAD ST - 3RD FLOOR  
TRENTON NJ 08650-0056  
COURT TELEPHONE NO. (609) 571-4490  
COURT HOURS

TRACK ASSIGNMENT NOTICE

DATE: JULY 16, 2013  
RE: [REDACTED] V STATE OF NEW JERSEY  
DOCKET: MSR L -001494 13

THE ABOVE CASE HAS BEEN ASSIGNED TO: TRACK 1.

DISCOVERY IS 450 DAYS AND RUNS FROM THE FIRST ANSWER OR 90 DAYS FROM SERVICE ON THE FIRST DEFENDANT, WHICHEVER COMES FIRST.

THE PRETRIAL JUDGE ASSIGNED IS: HON ANTHONY M. MASSI

IF YOU HAVE ANY QUESTIONS, CONTACT TEAM 012  
AT: (609) 571-4475.

IF YOU BELIEVE THAT THE TRACK IS INAPPROPRIATE YOU MUST FILE A CERTIFICATION OF GOOD CAUSE WITHIN 30 DAYS OF THE FILING OF YOUR PLEADING. PLAINTIFF MUST SEEVE COPIES OF THIS FORM ON ALL OTHER PARTIES IN ACCORDANCE WITH R. 4:5A-2.

ATTENTION:

MYLES R. BARTOSIA

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JUDGING